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BY THE HOUSE OF DELEGATES,

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MESSAGE

OF

GOVERNOR SWANN,

TO THE

General Assembly of Maryland,

Documents,
House of Delegates.

AT ITS

Regular Session, January, 1867.

ANNAPOLIS:
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MESSAGE.

Fellow-citizens of the Senate
and House of Delegates:

It affords me unfeigned pleasure to welcome you again to the Legislative Halls of your State, and to unite with you in grateful acknowledgments to a beneficent Providence, for the bounties which have so auspiciously crowned the events of the past year.

For the merciful interposition which has saved us from threatened pestilence; for the marked and healthy reaction which has so promptly succeeded the ravages of a wasting war; for the activity which has revived every department of labor and industry; for the unprecedented success which has attended our great works of internal improvement; for the steady advance in all the avenues of progress and development; for the extension of the means of education and moral culture; in short for the general prosperity and happiness which every where reigns within our borders, we have reason to be thankful to the Great Disposer of events, in whose hands are our hopes of the future, and our destinies as a people.

At no period in the history of our State, have you assembled under circumstances of greater encouragement, or more weighty responsibility. Let us indulge the hope, that a wise statesmanship may guide you in the discharge of the onerous duties upon which you are entering, and that your labors, tempered always by justice and moderation, may redound to the lasting benefit of our beloved Commonwealth.

THE FINANCES.

I have the satisfaction to announce to you the continued prosperous condition of the Treasury. On the 30th of September last, the close of the fiscal year, as will appear by the Comptroller's Exhibit, the total receipts into the Treasury have been $3,325,507.94, which added to the balance in the Treasury on September 30th, 1865, will make the aggregate in the Treasury during the fiscal year $3,758,439.94.

The total disbursements during the same period have been $3,390,617.58, leaving a balance of $367,816.36. To this is to be added the balance to the credit of the School Fund, $7,598.77, and Sinking Fund, $238,761.71.

By the Act of 1862, chap. 143, the State was authorized to borrow $2,500,000, upon the issue of her credit, to meet the extraordinary demands growing out of the impending war. In 1864, a similar Act was passed, chapter 15, authorizing an additional loan of $4,000,000, and in 1865, chapter 33, a still farther loan of $4,000,000, making a total for which the State had pledged her credit, of $11,500,000. These Acts are still in part unrepealed.

Of this large amount only $500,000 have been negotiated, increasing our permanent indebtedness apparently to that extent, and showing the condition of the bonded debt, to be in fact, without material variation up to this date, notwithstanding the heavy amounts which have been disbursed, and which have been furnished from accruing revenue and other available resources, authorized by law to be made applicable to that object. But the fact must not be lost sight of, that by the authority given to the Treasurer by the Act of 1864, ch. 285, to cancel and destroy all bonds except $1,000,000 of the five per cent. stock represented by the sinking fund and its increments, an actual reduction of the funded debt was effected, to an extent of $4,509,074.51.

The disbursements of the State of Maryland for the support of the war, furnished from revenue and other sources, have amounted in the aggregate, to $4,212,470.02, that is to say, for her quota of the direct tax levied by the Act of Congress of 1861, $371,299.83. Amount paid on account of volunteers from March 1864 to 30th September 1866, $3,788,932.64; from 30th September 1866, to 24th November 1866, $52,-637.50. Total $4,212,470.02.

At the extra session of the General Assembly in January last, an Act was passed, authorizing the Governor, Comptroller and Treasurer to sell certain stocks held by the State in various Banking Institutions and Rail Roads, and to appropriate the proceeds of the same in payment of bounties and other floating obligations which had accumulated in consequence of the non-user of the defence or war loan, authorized to be issued by the General Assembly at various times. This sale was effected at an opportune moment, under circumstances highly advantageous to the State, leaving outstanding and still to be disposed of, the State's interest in the Farmers Bank of Maryland, amounting to $55,500.00 of the stock of that Bank, together with $34,850.00 Central National Bank of Frederick, and some other and less available items not necessary to be enumerated here. The receipts from this source amounted to $840,695.91—the par value of the stock sold being $773,374.66, the premium realized upon these sales amounted to $67,321.25. By this arrangement the Treasurer was enabled to provide for every dollar of floating debt then pressing upon him without a resort to the war loan above re-

ferred to, and the necessity avoided for any further increase of the funded debt on this account. The State, it is thus shown, has passed through this war and the extraordinary demands attendant upon it, without recourse to the war loan, beyond the trifling amount before stated, say $500,000. The whole liabilities on account of outstanding bounties not yet provided for, it is estimated, will not exceed $450,000, if it reaches that amount, which is more than balanced by the surplus remaining in the Treasury at the close of the fiscal year.

The Funded Debt of this State, together with its active available assets, held as a set-off, carefully made up from the Comptroller's Report, and by the Treasurer, may be thus stated:

PUBLIC DEBT OF THE STATE, AS OF OCT. 1, 1866.

Sterling 5 per cent. Coupon Bonds, interest payable in London	$6,237,444 43
Currency Debt, inscribed stock, interest payable in Baltimore	4,553,364 78
	$10,790,809 21

ESTIMATED PRODUCTIVE CAPITAL OF THE STATE, AS OF OCT. 1, 1866.

Stock of Central Nat'l Bank of Frederick	$34,850 00
Stock of Farmers Nat'l Bank of Frederick	56,310 00
Stock held for the Sinking Fund	1,228,122 30
Cash due the Sinking Fund	238,761 71
Cash in the Treasury Proper	367,816 26
Stock of Baltimore and Ohio Rail Road Co. (preferred)	3,000,000 00
Dividend Stock in Washington Branch	550,000 00
Dividend Stock in Main Stem	500,000 00
Baltimore and Ohio Rail Road Co. Dividend Bond No. 141	10,000 00
Stock of the Chesapeake and Delaware Canal Company	50,000 00
Stock of the Fredericktown and Yorktown Turnpike Companies	15,000 00
Bonds of the Susquehanna and Tide-Water Canal Co's	1,000,000 00
Mortgage Northern Central Railway Company	1,500,000 00

Due from Collectors, Sheriffs, Clerks and Registers of the several Counties, and Baltimore City, and from incorporated institutions.....	1,182,264 96	
Difference between Productive Capital and the Public Debt	1,057,683 98	
		$10,790,809 21

The unproductive assets of the State amount to the sum of $18,017,642.67.

In an official communication to me, the Treasurer remarks:

"We have unproductive capital, amounting in the aggregate to say eighteen millions of dollars, the larger portion of which is of the Chesapeake and Ohio Canal. Recently the State has been offered five millions of dollars for this work, or if the State preferred not to sell outright, the party's second proposition was, a lease for twenty years at $300,000 per year, payable semi-annually; in any event, the State can receive for the unproductive capital, in my opinion, not less than six millions of dollars."

I refer to this simply to show the extent of these unproductive assets; without venturing any opinion as to their present value if brought into the market, or probable availability within any reasonable time. It certainly will not be deemed out of place in this Exhibit of the general financial condition of the State.

The Act passed at the extra session of the General Assembly providing for a re-assessment of the real and personal property of the State may be expected to increase largely the existing basis of taxation, and add materially to the revenue of the State. Besides this, there are other and not less legitimate sources of increase, which, while they may be drawn upon without injustice to those who would be immediately affected, would tend to lighten the burthen imposed by existing laws upon the honest and willing tax payer, by a system of just equalization. Some of these I may deem it my duty to bring to the notice of the proper committee when the time arrives for the consideration of this important subject.

The recommendation contained in my last Annual Message in reference to a modification of the oyster laws, has lost none of its weight. On the contrary, experience has only confirmed the necessity for some appropriate legislation looking to the availability and proper regulation of this undoubted source of revenue. The protection of our citizens against marauders and outlaws trading without license in our waters, and appropriating without hindrance the property of the State, would seem to be demanded by every consideration of right and justice, and I would again earnestly invite the at-

tention of the General Assembly to this subject. Had the recommendation presented in my Message in January met a prompt response on the part of the Legislature, I have every reason to believe that it would have been attended with a large increase of the receipts into the Treasury, at the same time that it would have conferred positive benefit upon the people of the State, especially in the counties bordering upon the Chesapeake Bay and its tributaries, whose pursuits have been seriously interfered with by persons from other States throwing themselves into competition with their labor, and setting our laws at defiance.

Not being among the number of those who recognize in a national debt a national blessing, I look with earnest solicitude to the steady and ultimate liquidation of our State debt, and the rigid limitation of its further increase during the intervening period required to affect it. It is a judicious provision in our Constitution which accompanies every measure of appropriation, with the taxation necessary to enable the people to feel at once the burthen which it imposes. The value of adequate and liberal sinking funds in all large appropriations, has been illustrated by the past history of our finances, and has enabled us already to effect a large reduction in our funded debt. The power conferred by the Constitution upon the Board of Public Works to cancel the obligations of the State, issued for the Baltimore and Ohio Rail Road Company, by an exchange of the securities held by her, for an equal amount of the securities for which she is responsible, to be furnished by said corporation, should be availed of, in my judgment, whenever opportunity occurs, as a sound measure of finance, and the public liabilities placed beyond contingency, by a prompt cancellation of the State Bonds, whenever the arrangement can be advantageously affected. The connection of the finances of the State with the success or failure of corporations created by her, is, to say the least, of doubtful policy, and has been attended in some of the States with the most serious embarrassments. Where it is eminently the dictate of policy to lend a helping hand to enterprises of undoubted public benefit, it is equally clear that a State has no right to subject herself to the contingencies of the future, when her object is accomplished, and an opportunity offered to reimburse her advances. In regard to the works of the State of Maryland, to which large credits have been extended, my uniform opinion has been, that the security and safety of all interests would be consulted by a dissolution of such co-partnerships whenever the terms offered were such as to justify this action. This argument is stregthened by the fact, that in reference to most of these corporations, the State in the Acts of Incorporation has protected herself against any hostile discriminations against the legitimate trade of our people. This argument, however, is not intended to apply

to the Chesapeake and Ohio Canal Company, whose peculiar position is such as to require the most vigilent foresight, to guard against complications, which in the event of a transfer of that work to parties not fully identified with our people, might entail lasting injury upon a most valuable portion of our State; I have reason to believe that, but for the difficulty of securing any large amount of the Bonds of the State, a proposition would have been submitted by the Baltimore and Ohio Rail Road Company before this time for the cancellation of an amount of our public securities upon terms which would have justified action on the part of the Board of Public Works in furtherance of this plan to reduce the public debt.

The collection of the State taxes in connection with the subject of the finances, especially in the City of Baltimore, requires your early attention. Heretofore these taxes have been collected by the City of Baltimore, through its officers without charge. It has become indispensably necessary now, that the State should be placed upon an independent footing in this respect, and should take the earliest opportunity to establish a Bureau of its own in the City of Baltimore, with officers, to be paid such fixed commission upon their collections as may be deemed just and reasonable. Under the present arrangement the State is subjected to a heavy expense, and the tax payers justly complain of the large commission charged upon their dues. I commend this subject to your earliest attention in justice both to the State and the tax-payer.

In closing this exhibit of the finances, I deem it but just, to bear witness to the zealous, honest and faithful discharge of the duties of this department, by the Comptroller, whose earnest devotion to the trust confided to him and the friendly aid and co-operation which I have always received at his hands, entitle him to this recognition of his services, on the eve of his retirement to private life.

A BUILDING FOR STATE PURPOSES IN BALTIMORE CITY.

The need of a suitable building in the City of Baltimore for State purposes is seriously felt. An office for the collection of State taxes must soon be provided. The Commissioner of Immigration, Board of Public Works, and Superintendent of Public Instruction, are all under rent in different parts of the city, with accommodation scarcely adequate to their wants. Whether it would not be advisable to purchase a building in some central location in which all the State officers could be properly accommodated, not subject to be interfered with by the fluctuations in rents or other contingencies, is a matter to which I would invite your attention. I am satisfied that the public interest would be facilitated by such an arrangement, without increased expense to the State.

REMOVAL OF THE POLICE COMMISSIONERS OF BALTIMORE CITY.

On the 18th of October last, a memorial was submitted to this Department, signed by four thousand three hundred citizens of Baltimore, praying the removal of the Police Commissioners of that city, on various charges stated by them. The acts complained of occurred during the election for Mayor and members of the City Council, which took place on the 10th of October last, resulting in the election of the present incumbents, and throwing the government of the city into the hands of officers, representing less than one-fourth of the registered voters of that corporation. As serious apprehensions seemed to be entertained by many, of a probable outbreak on the day of election, and as a contingency might have arisen, requiring an application to the Executive of the State, I called upon the Attorney General for his legal opinion upon the questions then at issue.

This opinion, I deem it proper to state, was procured by me, with no intention of taking any part in the municipal election, but solely with a view to my own guidance, in case the authorities of the State had been appealed to.

The act relating to the registration of the voters of the State, passed March 24th, 1865, places the limitation within which the returns of the officers of registration were required to be made, beyond the period appointed by law for holding the municipal elections of the City of Baltimore. This virtually disfranchised, according to the opinion of the Attorney General of the State, more than one half of its voting population. That the Legislature could not have contemplated any such construction of the law, I am fully convinced; and the omission to name an earlier day, for the returns of the Officers of Registration, so as to include the municipal election, strengthened the belief that the law was not meant to apply to corporations, but only to general State elections. Some of the most eminent jurists in the State entertained this view. In an aggregate voting population of 24,000, duly qualified under the act of registration, in the City of Baltimore, the successful city officers, now in charge of the city and its property, represent scarcely one-fourth of this registered vote. Such flagrant injustice to the people of Baltimore could not fail to result in the most embittered feeling; and coupled as it was, with the extraordinary conduct of the Police Board, in the selection of the Judges of election and special policemen, who officiated on that occasion, it may be well doubted whether any despotism could have been devised, more thorough and complete, to retain by force and management, the power which this combination so defiantly held in their grasp. The report of the trial of these Commissioners, and the subsequent proceedings in Baltimore, attending the arrest of the new

Commissioners, appointed by me, by the Judge of the Criminal Court, prepared by the Secretary of State, and herewith submitted, render it unnecessary to go into further explanation upon this subject. The power attempted to be exercised by the Judge of the Criminal Court is believed to be without precedent, ignoring alike the Great Seal of the State, and the limitations governing his judicial functions.

I refer to the proceedings to show how far I have been sustained in the discharge of my official duty. Representing, as I did, the sovereignty of the State, as well as the power specifically delegated to me, in the recess of the Legislature, I held myself responsible only to your Honorable Body for the course which I deemed it my duty to pursue in the removal of these delinquent officers.

The events of the past few weeks impose upon the General Assembly duties which cannot well be overlooked in protecting hereafter the interests of the City of Baltimore. How far it may be competent, under existing laws, to order a new election for Mayor and Members of the City Council will be for your Honorable Body, after due examination, to determine. Of your power I have no doubt. But of one thing I am strongly convinced, that a continuance in authority of men profiting by their own wrong, forced upon the people, in opposition to the will of more than three-fourths of the qualified registered voters of the city, and by armed combinations of irresponsible officials holding their commissions from the Board of Police, would be a libel upon free government, and a gross and flagrant injustice to an outraged people. The time will be opportune also, to revise the whole system of laws relating to the City of Baltimore, to prevent the recurrence of similar proceedings in the future.

The existing police organization, will, I am satisfied, be found defective in many of its essential features. No candidate for the popular vote should be a member of that Board. In addition to this much needed reform, the management and control of the leading public institutions with which the city is connected, should be carefully examined into and placed beyond the reach of party dictation, or the liability of being used to strengthen the central power in times of high party excitement. Nor will it be less incumbent on you, in this work of reform, to throw some additional safeguards around the City Treasury, to check the wastful expenditure which is already beginning to startle the tax payer by the enormous burthen which he will soon be called upon to bear. The frequency of the applications to the Legislature for power to subscribe to objects of improvement, some of them, it may be of no practical utility, will afford an opportunity to render a real service to the people of that city, by holding a salutary check over wastefulness and extravagance, and keeping the authori-

ties at all times within the legitimate sphere of their duty. These suggestions are of too much practical weight to need more than the expression of an earnest desire on my part that you will give to them the consideration to which they are fairly entitled.

MARYLAND PENITENTIARY.

I would particularly recommend to your notice the condition of the Maryland Penitentiary. There are now confined within the walls of that institution six hundred and sixty-three convicts of all classes—an aggregate greatly in excess of the capacity of the buildings. A careful inspection of its various departments satisfies me that its affairs have been well managed by the present able and efficient Board of Directors; and that every thing has been done to place it upon the best possible footing, with the limited means at their disposal. The enlargement of the Institution has become a necessity which cannot much longer be postponed, without detriment to the claims of humanity as well as the financial interests of the State. The space upon which the institution is located is entirely too contracted, and the buildings are of such limited proportions and inconvenient arrangement as to require prompt enlargement and adaptation to existing wants, which could only be advantageously accomplished by the selection of another site, or the purchase of additional grounds to those already occupied. I am not prepared to say, in the absence of reliable and detailed estimates, whether the appropriation of the present site with such additional improvements as might be found practicable, or a removal to a more convenient and suitable location would be most advantageous to the State. With the daily increasing growth of our population, and the reforms which have been adopted so successfully elsewhere in the establishment of improved systems of prison discipline, I feel constrained to express the opinion that the State of Maryland is far behind many of her sister States in the provision which she has heretofore made for this unfortunate class of her citizens. In some of the details of the management there are evils and omissions which should be remedied. The proper classification of the prisoners is strongly urged as a most valuable feature in all such institutions—especially should the more youthful offenders be kept separate and distinct from association with the experienced and hardened criminals. In the present arrangement of the buildings, this would be difficult if not impossible. The want of a permanent Chaplain, who could devote the whole of his time to the moral and religious improvement of the convicts, and who could give valuable aid to the Executive in his exercise of the pardoning power, is also severely felt. The importance of introducing by law a system of abatements in the period of confinement, graduated

according to the term of the sentence, as a reward for good conduct, has been brought to your attention in the former reports of the institution. This, I am satisfied, would be attended with the most beneficial results, and such is the experience in institutions of a similar character both abroad and in some of the other States.

In the exercise of the pardoning power, I have been governed by a scrupulous regard for the protection of the general community; but I am by no means satisfied that the Executive clemency might not be advantageously interposed in a great many cases of petty crimes, which I have not felt authorized to notice, in consequence of what has been the custom of this Department in the absence of special legislation, on account of what would seem a too sweeping interference with the functions of the Courts.

In the appointment of your usual Committee to examine into this subject, I trust that these suggestions may not be lost sight of in their report to your Honorable Body.

THE CITY OF BALTIMORE.

The geographical position of the City of Baltimore is attracing renewed attention since the close of the war, among capitalists and business men throughout the country. Large accessions to her population are being realized through a steady current of immigration from other States. Her real property has greatly enhanced in value, and the applications for dwellings and places of business are already largely in excess of the ability of the people to supply them.

The experiment of a line of Ocean steamers under the auspices of the Baltimore and Ohio Rail Road Company, has proved entirely successful, and similar lines have been established and are now in operation with some of the most prominent points upon the Southern Coast—promising at no distant day a complete renewal of trade and intercourse from that section. In the meantime, her manufacturing capital has been largely increased, and the amplest preparations made for a profitable interchange of the varied products of her manufactories for the great staples of the South, which find here their most convenient point of shipment and conversion. Contributing as largely as she does to the burthen of State taxation, it is not less the interest than the duty of the Legislature to extend to her proper encouragement in all well directed efforts to develop her commanding resources, perfect her municipal government, and protect the interests of her people; and I take great pleasure in commending her to the liberal support of the General Assembly.

At the extra session of the Legislature in January last, I called the attention of your Honorable Body, to the enlarge-

ment of the ship channel already opened, to facilitate the easy ingress and egress of Ocean steamers of the heaviest tonnage, trading with this market. I am satisfied, from similar appropriations in other States, with not half the claim to public utility, that persistent and persevering efforts on the part of our Representatives in Congress must sooner or later establish the great value of this improvement in a national point of view, in connection with our Naval Marine, besides contributing to the general prosperity of the State of Maryland.

IMMIGRATION.

The first Annual Report of the Commissioner of Immigration will shew the operations of that Department during the past year.

Much important information has been collected and distributed by the officer in charge, both at home and abroad, showing the prominent commercial advantages of the State of Maryland.

The Commissioner has availed himself of the Report prepared by order of the House of Delegates, in 1865, on the resources of Maryland; the Report of the Comptroller, showing our financial condition, and the Report of the State Board of Public Instruction, all of which he has distributed throughout the Northern and Eastern States, from whence immigration chiefly flows. This has been attended with good results, but not to the extent that he could have anticipated from the multiplicity of letters addressed to him, attributable, it is believed, to the unsettled condition of our national affairs. He has also made a vigorous effort towards securing a direct immigration from foreign countries, and particularly the German States, of the agricultural classes. In this he has had to contend with settled prejudices, and a general preference for the Western States, owing to the efforts for a number of years of agents from these States, aided by a free command of capital. A great amount of valuable information has been collected and distributed in the German language, with promise of a good return. He has already had the promise of hearty co-operation from abroad, and in one of the letters received from his German correspondents, he has been notified that a number of families with a capital of from $600 to $1,500 each, are preparing to leave in the spring for a permanent settlement in Maryland.

The arivals in Baltimore since March last have been 9,299 immigrants, mostly destined for the West. These have all been visited on their arrival in port.

Through the agency of this Department exclusively, 178 were induced to change their destination and remain in Ma-

ryland, with a view to becoming land owners at no distant day. With some modification of the law, this number might have been largely increased.

The Commissioner suggests that he should be invested with the power to protect immigrants landing upon our shores, from speculators and runners, who are always on the alert to impose upon and mislead them. He recommends the establishment of an Immigrant Depot, with an officer in charge, to whom such passengers should be compelled to report immediately on their arrival; a designated landing place, and one only, to be fixed by law, and authority given to exclude all persons from communicating with such passengers, except upon written authority from the Commissioner. In these recommendations I fully concur.

The law creating this Bureau was necessarily imperfect in many of its features; but sufficient has been demonstrated to show its value to the State, apart from its connection with the Board of Public Works. I would recommend a careful examination into the suggestions contained in the Commissioner's Report, and the adoption and incorporation into the existing organization of such as may conduce to the more enlarged and successful working of the system.

The great inducements held out by our State, coupled with the sound financial condition of the Treasury, offer temptations unsurpassed in any other section, to the domestic as well as foreign immigrant, and the General Assembly should not be wanting in proper efforts to stimulate the population of our cities as well as our rural, manufacturing and mining districts; and to bring into immediate use our waste and unproductive lands.

MILITIA.

The Act passed March 10, 1864, chapter 284, to provide for the organization and discipline of the Militia of the State, expired by limitation on the 1st March, 1866, and the State is now without any militia system whatever. It seems to me, that something should be done, in this direction, without further delay, if only to place the State upon some recognized footing in this respect. There are occasions, whether in peace or war, when such aids are not only important but indispensable in maintaining the dignity, executing the laws, and guarding the peace of the Commonwealth. I have been opposed to the institution of any plan which would entail a useless burden upon the people; but I would strongly recommend the passage of some law, which if it accomplishes no more, might remand us to the position which we have always heretofore occupied, in common with other States, and enable us to guard against possible and unforseen contingencies, in the working of our domestic system.

INTERNAL IMPROVEMENTS.

I have received a copy of the Address of the President of the Baltimore and Ohio Rail Road Company to the Board of Directors on the 12th December last. Associated during the best years of my life with the extension of that noble work from Cumberland to the Ohio river, it affords me pleasure to recognize under its present able management, the steady progress which it is fast making, towards the accomplishment of its great destiny, and the realization of the most sanguine hopes of its founders.

Within the past year, it has paid into the Treasury of the State $760,088.70.

The liberal policy indicated by the President, meets my cordial approval. Controlling without a rival, the wealth of the Ohio and Mississippi valleys, the value of this road to the State of Maryland cannot be too highly estimated. A large amount of capital has been expended and much work done, since the last Annual Report, in giving increased power and efficiency to the road. The second track has steadily advanced. Some of the most important tunnels on the North Western Branch have been permanently arched—the control of the Winchester road has been secured, and a most valuable arrangement, mutually advantageous to both roads, entered into with the Central Ohio Rail Road Company for the future working of that important line, affording increased inducements for the most favorable combinations with the leading roads converging at Columbus and the centre of the rich table lands of Ohio. With the Pittsburgh and Connellsville Road complete, which I look for at no distant day, in spite of the jealousies which have heretofore retarded its advance—the intersection of the Ohio river at Wheeling and Parkersburg already accomplished, and the certain occupation of the Valley of Virginia and the appropriation at a still lower point, of the great arteries of the South West, I shall look with renewed pride, not only upon the energy and perseverance of our people to which we are indebted for all this, but to the impregnable position in which through their indomitable efforts and wise foresight they have placed the great commercial centre of our State. In connection with this subject it affords me pleasure to note the active preparations now in progress to complete the Metropolitan Road, from Washington to the Point of Rocks, and the probable opening of the Branch to Hagerstown as early as September next.

Both the Northern Central Rail Road Company, and the Susquehanna and Tide Water Canal Company have promptly met their interest to the State.

The Chesapeake and Ohio Canal Company is also giving evidence of more encouraging results than have heretofore

attended its operations, and strong hopes are entertained that it may, ere long, contribute something towards the heavy debt which has been incurred in its construction.

The Kent County Rail Road Company and the Wicomico and Pocomoke Rail Road Company have both complied with the provisions of the Act of 1860, ch. 303, and have certified to the Treasurer their right to receive the State subscription named in that Act, the former $101,531, and the latter $60,000. In the case of the latter, the Act of 1866, ch. 154, increased the subscription by an amendment of the Act of 1860.

I have received the last Exhibit of the nnapolis and Elkridge Rail Road Company. The road is not in condition to make any return to the State. I would recommend the dismissal of the legal proceedings against that Company, such being the recommendation of the counsel retained on the part of the State.

THE NAVAL ACADEMY.

By an Act passed by the General Assembly in January last, authority was given to the Governor, Comptroller and Treasurer, to sell to the Federal Government the Executive Mansion and grounds attached thereto, to enable the Government to complete arrangements then going forward for the enlargement of that Institution.

This was wholly indispensable to the retention of the School in Annapolis Both the Secretary of the Navy and the President of the United States, by his endorsement of the recommendation of that officer, having urged a much larger space than that heretofore occupied by the Naval School, it became a matter of the first importance that the most liberal policy should be pursued by the State, in the effort to fix the permanent location of this valuable Institution within our borders, especially as the most vigorous efforts were then being made, to change the location to some other point.

It affords me pleasure to report to the General Assembly that the most friendly spirit was manifested throughout, by Vice Admiral Porter, commanding the Station, and by the Naval Committees of both houses of Congress; and that a result was arrived at, entirely satisfactory to the State of Maryland, whereby the permanency of the Institution is believed to have been secured against future contingency. The Mansion and grounds were disposed of at a cost of $25,000, with the stipulation that the possession of the State would not be interfered with, during the gubernatorial term of the present incumbent, unless arrangements could be sooner made to provide suitable accommodations for the Governor elsewhere, in which event the property would be immediately surrendered

to the General Government. The importance of the institution cannot be too highly estimated by the people of the State, and I take pleasure in commending it to the fostering care of the General Assembly, by such liberal acts of legislation as may be asked for, from time to time, to extend its usefulness and sustain the well directed efforts of those; to whose care it has been entrusted, in effectually guarding it against annoyance, and protecting the morals of its inmates.

Steps have already been taken to secure suitable accommodations for the Governor of the State, and proposals have been received from a number of property holders in Annapolis, offering grounds both with and without improvements. Some of these it is believed may be acceptable; but the appropriation by the law, being limited to the amount received from the proceeds of the sale of the Executive Mansion, owing to the omission to make any additional appropriation, it has been deemed advisable to recommend a reference of the whole subject to a Joint Select Committee of the two Houses for such action as may be called for, in determining both as to the location, and character of the proposed improvement under such restriction as the General Assembly may think proper to impose.

EDUCATION.

The Report of the Superintendent of Public Instruction, reached me at so late a date, prior to making up the details of this Message, that I find it impossible to do more than commend it to the careful examination of the General Assembly. It will be found to present a most encouraging and gratifying exhibit of the progress of Education, under the liberal provisions which has been made for the support of this Department. By the able, active and untiring efforts of the officer in charge, a great work has already been accomplished, and we may congratulate the people of the State, that no appropriation is likely to result in more practical and substantial benefits to all classes of our citizens. A careful examination into the details of this system of public instruction, by a Committee of your Honorable Body, would, I am sure, confirm to the fullest extent, the views which I have presented.

St. John's College, after a long period of suspension, has been re-opened again under the most favorable auspices. It is believed that few Institutions in this country offer greater inducements to the youth of our own and other States; and it is earnestly to be hoped that its means of usefulness will be extended by the encouraging aid and liberal patronage of the people of the State.

The Agricultural College has also been reorganized, and will go into operation early in the ensuing spring.

THE NEGRO POPULATION—FREEDMEN'S BUREAU.

I regret to be obliged to refer in this place to the persistent efforts which, since the date of the Proclamation of Emancipation, we are so often called to witness, to bring discredit upon the State of Maryland, in her relations with the negro population. It could hardly have been expected that in a State where the relations of master and slave, have existed since its origin, the people could have adapted themselves at once and without occasional drawback, to the radical change which has been so suddenly wrought in her domestic system. It is only a source of surprise that so much has been accomplished in so brief a space. Towards the negro race, there is no unkind feeling on the part of any respectable class of our people. On the contrary, there is not a single free State where a more sincere sympathy is felt for this unfortunate race, or more earnest efforts are being made to improve and ameliorate their degraded condition. I will go farther and venture the assertion, that the freedom of the negro and his immunity from violence and insult are as great at this moment in Maryland as in most of the States from whence these reproaches emanate; and that the negro himself, if questioned upon this point, will most probably confirm the truth of this statement. Occasional outbreaks, inseparable from all violent changes of this character, have occurred, and those not unfrequently grossly distorted, have been eagerly seized upon as the result of a prevailing public sentiment. I will simply refer to one or two.

In August last, a case of assault upon a negro was reported by an officer of the Freedmen's Bureau to have taken place in Annapolis, implicating to a grave extent the adequacy of our Courts, and the good faith of the officers charged with the execution of the laws, which, from its reputed aggravated character, found its way over the telegraph wires, to all parts of the country, to the great injustice and disparagement of the State of Maryland and her people. The case having been referred to me, by the Chief of the Freedmen's Bureau, an immediate investigation was ordered through the highest law officer of the State, whose Report, denying the truth of the alleged charges, together with my correspondence with General Howard, are herewith submitted. It will be perceived, that upon the loose representations of a subordinate of the Freedmen's Bureau, the propriety of detailing a military forces to supersede the authority of the Courts, in a loyal State, was seriously entertained,

At a subsequent date, a collision between the two races occurred at a religious meeting in Anne Arundel County, which in its exaggerated proportions, was referred to, even by our own partizan press, as well as leading Journals of the North, as scarcely second in enormity to the massacre at New Orleans. This affair was also brought by me to the attention of the Attor-

ney General, who deemed it unnecessary to report the facts as requested, owing to the investigation then going forward, on the part of others, who were duly authorized to act. I am informed by the State's Attorney of Anne Arundel County that, although a thorough investigation was subsequently had before the Grand Jury of the County, with the lights of the previous investigation, no indictment could be found, owing to the conflicting character of the testimony, and the impossibility of fixing the responsibility upon any one connected with the riot—the weight of opinion being, that both whites and negroes were alike implicated. The Report of the Grand Jury is herewith submitted. Certain it is that no countenance was given, to the conduct of those who were engaged in the riot, by any respectable citizen or class of citizens in this community; and that the outrage was generally rebuked by the judgment of the whole State.

From what I believe of the State of Maryland, and the views of her people upon the subject of the negro race, I will only say, that I have felt encouraged by the general harmony which prevails between the races, and the total absence at this time of any serious disagreement, growing out of the recognized standard of wages or any other exciting cause.

The recent discussion in the House of Representatives, in reference to the political disabilities imposed by our laws upon the colored race, can hardly be recognized as dealing fairly with the subject, to which reference was made, with so much unnecessary bitterness. There is no disposition in this State, so far as I am informed, to interfere with the civil rights of the negro, and all laws in conflict with them I sincerely hope will receive your prompt attention. In relation to that feature of your Code, relating to the colored population, adopted years ago, giving to the courts the power to commute criminal sentences, by selling the offender into slavery for the period of his sentence, in lieu of imprisonment at hard labor in the penitentiary, I would commend it to your notice, not in the interest of the colored race, to whom it is a benefit, but as making an unfair discrimination under the new order of things, against the white man, from whom the same privilege is withheld. I trust that its repeal will be promptly ordered. The particular occurrence furnishing the ground of complaint in the Congressional debate must be received in connection with the attendant circumstances. The sentence of the prisoner, it will be found, was commuted simply as an act of humanity; and in other trials of a similar character, this has been done at the special request of friends and counsel, and not in a spirit of oppression, as will appear by the letter of the State's Attorney herewith submitted.

The effort on the part of a class of extreme men, to turn to party account occurrences so insignificant in themselves, and susceptible of such conclusive explanation, is only to be accounted for, as connected with the attempt already foreshadowed, to include Maryland in the list of revolted States, awaiting the fiat of territorial subjugation. Maryland was one of the origninal thirteen States. It was in this Capital and almost on the very spot where you now stand, that the Union was conceived. The loyalty of her sons has been the pride and boast of her past history, from the period of the revolution down to the present moment. She recognizes no test of republican orthodoxy, but her rights and duties under the Constitution. These she will defend by every means in her power. In committing the unpardonable sin of denying to the negro the privilege of suffrage, she stands by the side of others of her sister States of the North, not less criminal than herself and certainly as uncompromising and obstinate in their settled convictions upon this subject. If, as is threatened, a State which has sent one-tenth of her population into the field to defend this Union, can be degraded and blotted from existence, upon no other pretext, than her fixed purpose without interference, to regulate and control her domestic affairs, we have only to regret that her patriotic sacrifices in the past have been in vain, and that the Union has fallen into hands more formidable than those against whom she has been arrayed in this war. Maryland will continue to stand by the Constitution, as she will fearlessly raise a warning voice, which she does now, against usurpation, come from what quarter it may. She will not presume to identify Congress with a purpose to insist upon any such extreme and revolutionary measure, so far as regards herself. The arrogance of power may prevail for a season ; but it cannot fail to occur to all intelligent men, whether in Congress or elsewhere, that power must always follow the fluctuations of party, and States or individuals who to-day may combine to set aside constitutional guarantees, may find themselves ere long, when left without a guide, the deluded victims of their own short sighted policy. If the time should ever come, which my respect for the representatives of the people would make me slow to anticipate, when in the face of the Constitution, and of every principle governing the past relations of the States to the Federal power, a majority in Congress shall succeed, in usurping the functions, which the States have heretofore rightfully exercised, we may count the duration of this Great Republic by years instead of centuries, and read its certain downfall in the history of nations, once as prosperous as our own, but now remembered only in the record of their former greatness and premature decay.

FEDERAL RELATIONS.

I transmit herewith a communication from the Honorable William H. Seward, Secretary of State, received at the Executive Department, on the 18th June last, enclosing certain Constitutional Amendments, which will require your early action.

At the extra session of the General Assembly, in January, 1866, I presented my views at large in reference to the Policy of Reconstruction which had been adopted and acted upon by President Lincoln, and was proposed to be continued without variation in any material point by his successor in office. I was sincerely impressed with the conviction, that to bring about harmony and good feeling and restore our national affairs to the channels from which they had been diverted by the war, this was the best practicable mode in which it could be successfully accomplished. This plan proceeded upon the recognized principle, that this Union could not be dissolved by any effort of the State governments—either by peaceable or violent secession, or in any other mode. The General Government was as powerless as the States in precipitating any such result. To have conceded this revolutionary power, would have been a virtual abandonment of the whole theory upon which our compact was based. The States, if broken by the successful defection of a single member, would have established the inability of the Federal power, to maintain its National supremacy, and dissolution would have resulted as an inevitable consequence. The revolt of the Southern States was treated, and properly so, as an *insurrection* against the power of the Union, and when subdued, left the States unchanged in all their former relations. This view was not controverted by the General Assembly at that time, nor have I since heard that any other plan of reconstruction, based upon the true theory of our government, has been presented. The passage of the Constitutional Amendment, as a condition precedent to the readmission of the States to the right of representation, presents to my mind, objections of the gravest character, so long as the Constitution continues to be recognized as the Supreme Law under which we are acting.

I may also express the opinion here, that whether with or without the authority of the Constitution, Congress should hesitate to make any radical change in the organic law, without the concurrence of the requisite vote of all the States, South as well as North.

It cannot have escaped notice, that the proposed amendment, comprising five distinct propositions, embodies more than its language would seem to convey, and that the clause, to enforce these provisions, "by appropriate legislation," may leave the Southern and Border States at the mercy of the

majority in Congress, in all future time—subversive, as I believe, of every principle of justice and equality among the States, and in times of high party excitement and sectional alienation, dangerous to the liberties of the people.

I assume, without the fear of contradiction, that the effect of this Amendment of the Constitution as a condition precedent to the re-admission of the revolted States, will be the ultimate enforcement of negro suffrage and negro equality, by indirect legislation, depriving the Southern and Border States of their Constitutional representations in the National Councils, unless purchased by the elevation of the negro to the untrammeled right of suffrage.

Admitting the proposed Amendment to be ever so just and liberal, ought it in common justice to be thrust upon the people of the Southern States, to be used as a lever to secure to the negro in that section what has not been attempted with the people of the North by direct legislation?

There are ten States now held in abeyance by the dominant party in Congress, without sufficient cause, as I believe. The war has ceased, and the war power of which we hear so much has ceased with it. The submission of the Constitutional Amendment to these excluded States by Congress is a virtual recognition that they are still in the Union, and have a right to entertain or reject it, as may seem most conducive to their political safety. Suppose they reject it, as they certainly will do, what then? Is the North to re-open the war upon them?—to dissolve the Union—for it will amount to that—by reducing them to Territories, or what is worse, as some have threatened, to degrade them, by confiscating their lands and allowing the negroes to come in and occupy them. The South makes no resistance to the edict of exclusion—she can make none. She admits her utter prostration. Paralyzed in all her relations, social, commercial and political, she calmly resigns herself to her fate. This is the universal feeling of the people of the South at the present moment. In his Message to the Georgia Legislature, November 1, 1866, Governor Jenkins holds this language: "To submit to injurious changes in the Constitution, when forced upon a State according to the forms prescribed for its amendment, would be one thing; to participate in making them by duress against her sense of right and justice would be a very different thing. The difference in principle is as broad as that which distinguishes martyrdom from suicide. We had better calmly await a returning sense of justice and a consequent reflux of the tide now running strong against us."

Meanwhile, her great staples are neglected—immigration seeks other channels, trade languishes, and her contributions to the national burthens, so important to the general taxpayer, are represented by merely nominal values. There is

no sweetness in revenge which can justify a continuance of such a condition of things.

The conservative masses of the country, sooner or later, will protest against it. The dominant party cannot expect to deal with whole communities as with individuals. They cannot coerce a whole people into relations of amity and friendship. They may make them friends by kindness and fair dealing, but not by injustice and oppression. They may annihilate them by their power; but humanity would hardly uphold any party in a return to the barbaric ages, in a policy of extermination.

President Johnson has brought this work of reconstruction to the last point of consummation. Step by step he has steadily persevered in his plan of peace and reconstruction, with no single violation of the Constitution, so far as I am capable of forming an opinion. In the act of completing his great work—of riveting the last link in the circle—he is met by the conflicting and indefinite plans of Congress.

I do not propose to pursue this argument. The responsibility is now with Congress, who may at any time adjust the relations between the States, and bring harmony to the country by the admission of loyal Representatives. The power is with her, and I trust she may not forget the momentous consequences involved in her action.

Congress is the recognized arbiter of the qualifications of its own members. If the apprehension of renewed disloyalty is still expected to re-animate the prostrate people of the South, why may she not say to the Southern States whose Representatives are without the requisite qualifications upon her standard, send us loyal men and we will admit them. This would settle the question at once; the power is in her own hands, and so has resided from the origin of this controversy. The South can really give no substantial guarantees that she has not already given. We asked for the abolishment of slavery—she conceded it. We asked for a repudiation of the debt contracted during the rebellion—this she conceded also. Now we are told that further guarantees are to be secured, while she is weak and powerless and at our mercy.

But where is this contest to end and what are the people to gain by it?

We have just terminated one of the most stupendous conflicts that has ever marked the progress of a people, either in ancient or modern times. This nation wants repose, and still more does she want the co-operation of her whole people, in her return to the arts of peace. The Southern States—so important in the geographical position which they occupy, and their productive power and resources, are now awaiting the action of Congress. Their great staples in times past, have

poured a golden tribute into the National Treasury. Shall all this continue to be lost to us? Shall we madly attempt to hold these States by standing armies—by despotic restraints, or by the good will and co-operation of the people themselves. That is the simple question which presents itself for our solution. The Southern States will hang like a sickly and withering incubus upon the body politic, until their relations to the Union are restored. The issue involves no sacrifice of honor on the part of this Government. It is an issue of prosperity—of finance—of destiny. I should look upon the subjugation of these States and their reduction to territorial dependencies, as the greatest calamity that could befal this country; and we must trust to the wisdom and magnamity of Congress, to avert the confusion which is certain to flow from the adoption of so suicidal a policy.

"History affords no instance where a people so powerful in numbers, in resources, and in public spirit, after a war so long in its duration, so destructive in its progress, and so adverse in its issue, have accepted defeat and its consequence, with so much of good faith as has marked the conduct of the people lately in insurrection against the United States. Beyond all question this has been largely due to the wise generosity with which their enforced surrender was accepted by the President of the United States, and the generals in the immediate command of our armies, and to the liberal measures which were afterwards taken to restore order, tranquility and law, to the States where all had for the time been overthrown. No steps could have been better calculated to command the respect, win the confidence, revive the patriotism, and secure the permanent and affectionate allegiance of the people of the South to the Constitution and laws of the Union than those which have been so firmly taken and so steadfastly pursued by the President of the United States."

The Executive, Legislative and Judicial Departments of this Government are clearly defined in the Constitution.—Congress makes laws in accordance with the Constitution and the President executes them. But the Constitution never intended that the President should stand by and witness the passage of unwise laws, without the interposition of his veto power. I am yet to learn that in the exercise of his own, the President has ever encroached upon the functions of the co-ordinate branches with which he is associated, in his plan of re construction. There can be no conflict of authority if each keeps within its prescribed sphere, and we may safely assume that an attempt at usurpation will never tarnish the fame of the present Executive.

The great obstacle in determining this vexed question of re-construction, is the future status of the negro race.

The Constitutional Amendments means this and nothing

else. The fear of disloyalty is not to be thought of for a moment; and the proposed change in the basis of representation, points to negro suffrage, and the equalization of the races.—There are four millions of negroes to be dealt with. If this element were insignificant or out of the way, there would be no talk of Constitutional Amendments. But the power of the South is to be held in check at least, if not appropriated by the extreme men of the dominant party.

My opposition to any farther tampering with the Constitution, proceeds upon the honest belief, that Congress controls all the power needed to protect the country against disloyalty, whatever form it may assume, if any such exists, and that Constitutional Amendments, to force equality between the races, can only result in the ultimate annihilation of the weaker race. Some time ago, the absorbing topic among political agitators, was amalgamation: now it is "manhood suffrage," which means amalgamation, and the power to hold office, without regard to race or color, and every other attribute of perfect equality between the races. This will all do very well for the States of the North, where the colored race have never lived, and cannot be induced to emigrate. With the Southern border States, it is a question of social and political existence. In Maryland the negro would anon hold the balance of power, if in a few years, from the swelling current of immigration alone, he did not command the numerical ascendency.

The regulation of suffrage belongs to the States. I never can consent, by any act of mine, to interfere with this vital reservation.

It is a recognized constitutional right, over which Congress has no control. If any of the States think proper to confer upon the negro race the right of suffrage, and the right to hold office, it is no business of ours—and it is possible that in some of the States the negro might be allowed to vote, without serious disturbance of existing relations. But in communities nearly balanced by the presence of the two races, in which the infusion of the negro is so great as to constitute an element of power, the struggle will terminate only in the complete triumph of one over the other—andit needs no foresight to predict, to whom the mastery wil be awarded.

Entertaining these views, I disavow all desire to widen the breach, which now unhappily exists between Congress and the Executive. Maryland has stood by the Union in the hour of its darkest peril. In this land of free thought and free discussion, we may surely be permitted, without violence or insult, to express honest convictions of patriotic duty, and constitutional interpretation, if this Government of our fathers, unchanged by the events of the past, is still recognized as the heritage of their children. The bitter hatred and vindictive malice, with which the President has been assailed for his

honest difference of opinion, by extreme men, augurs unfavorably for the success of our free institution, if such is to be permitted to pass without rebuke, by any large class of the people of this country. Such a spirit, when carried to the excess that we have witnessed, cannot fail, sooner or later, to find its own condemnation. President Johnson fortunately for himself, is not without his record in the past. Taunted with his humble origin, in which he only shares the lot of the mechanical and working classes throughout the country, charged with complicity in the assassination of Abraham Lincoln, whose friend he was, and whose policy he is steadily and faithfully pursuing—denounced as a rebel and a traitor, after having sacrificed everything for his country he may find himself ere long, from the very intensity of a studied persecution, the rallying point of a more healthy public sentiment, among reflecting men of all parties, which if it would save this country from anarchy and ruin, must curb the intemperate spirit which rules the hour, and inaugerate a new era of toleration and forbearance in our national differences, in the midst of the whirlwind which has been so unjustly and wantonly provoked, by excited and impulsive men. Is it not time that this warfare, so disparaging to our national character, should cease?

CONSTITUTIONAL CONVENTION.

A convention of the people of the State to revise the present Constitution will be advisable at an early day. Some of its leading provisions were prompted, as is well known, by the war then raging, and the confused condition of our national affairs. Happily, the settlement of all these differences renders their retention as part of our organic law no longer a matter of policy or necessary precaution. Apart from this, however, there are measures of practical reform which should not be lost sight of, in the new career upon which we have entered. In any action upon this subject, you will be prepared to reflect the public sentiment in determining whether you will be content to resort to the power conferred by the Constitution upon the Legislature in making such changes as you may deem most urgent, or refer the whole subject to the people, to be decided by them.

In discharging the duties incumbent upon you in this trying crisis of our national affairs, gentlemen of the Senate and House of Delegates, I trust that past differences will be buried, and that the paramount object of re-uniting our distracted and bleeding country may be uppermost in your deliberations.

The obligations of party must be subordinated to the more sacred claims growing out of a common origin and a common nationality; and those who have been brothers in the past should strive to extinguish, rather than rekindle anew, the smouldering fires of alienation and strife.

Believing, as I do, that my fellow-citizens of Maryland, and of the whole South, with few exceptions, whatever their former antecedents, desire now to co-operate cordially in the work of restoration, by a recognition of the old flag, as a renewed pledge of restored brotherhood, we should be ready to receive the approaches of all such in a spirit of kindness.

In the part allotted to me as your Executive, I shall go on as I have done since this lamentable war ended, despite detraction and abuse, come from whatever source it may. Denounced as a traitor to principles which I have never recognized—to extreme men who have already brought shame and dishonor upon their State—to vindictiveness and intolerence which I despise—to that glorious Union which I have loved better than my life, I submit myself to the impartial judgment of the people of Maryland, through their chosen Representatives, for the uprightness of my conduct and the purity of my intentions.

I cannot forget that I am living in an epoch when Christian principles are the recognized rule of human conduct. If in the unswerving exercise of my official duties, I have saved your State from threatened invasion by men who were ready to plunge it again into the horrors of civil war, and the not less disreputable machinations of revolutionary agitators in your midst—if I have turned back the current of a bitter and unforgiving party rancor which threatened the very existence of your political and social fabric—If I have restored to the people of my State their just rights under their Constitution and laws, I may congratulate myself that my administration thus far has not been without its fruits, in maintaining the supremacy of the laws—the freedom of Republican institutions, and the credit of Constitutional Government, upon which alone our permanency as a people must always rest.

THO. SWANN.

APPENDIX.

Documents referred to in the Governor's Message.

CIRCULAR.

DEPARTMENT OF STATE,
WASHINGTON, *June* 16, 1866.

To His Excellency,
The Governor of the State of Maryland,
Annapolis, Maryland:

SIR:

I have the honor to transmit an attested copy of a Resolution of Congress, proposing to the Legislatures of the several States a Fourteenth Article to the Constitution of the United States. The decisions of the several Legislatures upon the subject are required by law to be communicated to this Department. An acknowledgement of the receipt of this communication is requested by

Your Excellency's
Most obedient servant,
WILLIAM H. SEWARD.

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all whom these presents shall come greeting:

I CERTIFY, That annexed is a true copy of a Concurrent Resolution of Congress, entitled "Joint Resolution proposing an amendment to the Constitution of the United States;" the original of which resolution, received to-day, is on file in this Department.

In testimony whereof, I, WILLIAM H. SEWARD, Secretary of State of the United States, have hereunto
[SEAL.] subscribed my name and caused the seal of the Department of State to be affixed.

DONE at the City of Washington, this sixteenth day of June, A. D. 1866, and of the Independence of the United States of America the ninetieth.

WILLIAM H. SEWARD.

[CONCURRENT RESOLUTION, RECEIVED AT DEPARTMENT OF STATE JUNE 16, 1866.]

Joint Resolution proposing an Amendment to the Constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a

member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

LA FAYETTE S. FOSTER,
President of the Senate Pro tempore.

Attest:

EDWD. MCPHERSON,
Clerk of the House of Representatives.

J. W. FORNEY,
Secretary of the Senate.

CORRESPONDENCE

With MAJOR GENERAL O. O. HOWARD *Commissioner of the Bureau of Refugees, &c., concerning an assault on a freedman, with accompanying documents.*

ANNAPOPIS, *July 20th*, 1866.

To Major VAN DERLIP,

DEAR SIR:—A colored man, by the name of Frederick Sharpe, made complaint before me, on oath, on the 16th day of this

month, that he had been assaulted and cruelly beaten by James White and a man called B. Watkins, (white,) he the said Sharpe was peaceably driving his horse and cart along the streets of Annapolis city, and that he was compelled, from the violence of these men, to leave his cart and horse stand in the street and escape. I then, upon this information made on oath, issued a warrant for the arrest of the assailants, with a subpœna for Sharpe, directed to Edward Baldwin, constable for this district, to bring the parties befor me, but he, the said Ed. Baldwin, has refused positively to serve the subpœna and has failed to bring the assailants before me.

(Signed,) WM. R. THOMPSON, *J. P.*

ANNAPOLIS, MD., *July 20th*, 1866.

Brevet Lieutenant Colonel W. W. ROGERS,
A. A. A. G, Washington, D. C.

COLONEL :—I have the honor to transmit herewith a communication addressed to me by W. R. Thompson, a Justice of the Peace for this county, residing in this city. Frederick Sharpe, who made the complaint, is a colored man. He was riding through the street, carrying a bag of meal which he had been sent for by his employer, when he was set upon and badly beaten by two notorious ruffians of this city. Mr. Thompson promptly issued a warrant for the arrest of the guilty parties and placed it in the hands of Edward Baldwin, a constable of this county, with directions to bring the parties before him. Baldwin, as appears from Mr. Thompson's statement has failed to do this. Mr. Thompson also placed in Baldwin's hands a summons to Sharpe to appear at Mr. Thompson's office to testify in the case, but Baldwin refused to take the summons or serve it.

In addition to the report made by Mr. Thompson, I would add that I am informed that Baldwin, when he first received the warrant for the arrest of White and Watkins, did arrest them, but they refused to go with him before Mr. Thompson. They then agreed to go before Mr. Taylor, another Magistrate residing in this city, but he refused to hear the case.

Baldwin made no effort to take them before Mr. Thompson, and refused to call a *posse comitatus* to enforce the law.

Since Mr. Thompson has begun the issuing of warrants, on the oaths of colored people, considerable discussion has taken place in this community, and Mr. Thompson informed me he has been threatened and is fearful of violence. The disaffection seems to have culminated in this case and Mr. Thompson relies on the United States Government to protect him in the fearless discharge of his duty.

I respectfully request, in view of the facts above set forth, that a sufficient military force be sent here to make these arrests and protect the judiciary of the State against lawless violence.

I also desire to be instructed as to what steps to take with constable Baldwin. I expect to go to Calvert county next Monday to investigate certain complaints in that section and may not return before Thursday.

I am, sir, very respectfully,

Your obedient servant,

(Signed.) W. L. VAN DERLIP,
Brevet Major Superintendent.

GENERAL HOWARD'S ENDORSEMENT.

"War Department, Bureau R., F. & A. L.
Washington, July 26, 1866.

Respectfully referred to His Excellency, Governor Swann.

I have had a conversation with General Grant with regard to this case, and we both agreed that if there is a possibility of justice being secured without military interference, that it is better that such interference should not take place.

If the officials are so paralysed by a wrong public sentiment that they cannot exercise their trust, and make requisition for aid, it will be furnished. Please, Dear Sir, see if something cannot be done to sustain the Magistrate.

[Signed] O. O. HOWARD.
Major Genl., Commissioner.

GOVERNOR SWANN'S ENDORSEMENT.

EXECUTIVE DEPARTMENT, MARYLAND,
31 *July*, 1866.

The within is referred to the Attorney General, with request that he promptly take such steps or recommend such action as may carry out the requirements of the laws, and afford the amplest protection to the Freedmen.

The Governor will cordially co-operate in such action as will promptly meet the ends of justice, prevent the recurrence of similar acts of violence, and render the interposition of the military unnecessary.

[Signed] THOMAS SWANN.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT,
Annapolis, 22 *Aug.*, 1866.

MAJOR GENERAL O. O. HOWARD, U. S. V., *Commissioner, &c.*

SIR,—I received your communication some time since, enclosing a copy of a letter from Major W. L. Van Derlip, Superintendent, &c., at Annapolis, transmitting a letter of Justice W. R. Thompson, who states that one Ed. Baldwin, Constable, refused to arrest upon his warrant, certain parties charged by Fred Sharpe, (colored) with assaulting him, and stating that Major Van Derlip requests that a military force be sent to make arrests, &c., &c.

A severe domestic affliction has prevented an earlier reply to this communication.

In your endorsement of this letter you say "Respectfully referred to His Excellency Governor Swann. I have had a conversation with General Grant with regard to this case, and we both agreed that if there is a posibility of justice being secured without military interference, that it is better that such interference should not take place. If the officials are so paralysed by a wrong public sentiment that they cannot exercise their trust and make requisition for aid, it will be afforded. Please, dear sir, see if something cannot be done to sustain the Magistrate."

Immediately on receipt of these papers, I referred the whole subject to the Attorney General of the State, himself

a resident of Annapolis, where the cause of complaint is said to have originated, and beg leave to enclose herewith a full report of that officer, which I hope will prove satisfactory.

In reply to your remark that "if the officials are so paralysed by a wrong public sentiment, that they cannot exercise their trust and make requisition for aid, it will be afforded," I would state in justice to the people of Maryland, that from the date of the Proclamation of Emancipation, I have witnessed no evidence of that "wrong public sentiment" which could justify the violent action recommended by your agent. Individual instances of outrages have occasionally occurred without the sanction or countenance of the people of the State; and I think I have promptly exercised all the power which was required, to restrain these acts, whenever complaint has been made to this Department.

It is not without regret, General, that in some communications heretofore made to this Department, I have discovered a disposition on the part of certain citizens to ignore both the power and disposition of the Executive to afford relief in cases of a similar character, by direct appeal to the Freedmen's Bureau; and you will permit me to express surprise, that you should have deemed it necessary upon the submission of a trivial complaint by an impulsive subordinate to consult General Grant as to the propriety of occupying the State of Maryland by a military force in the interest of the Freedmen's Bureau to supercede the civil authority and outrage the feelings of our people by the presence of a military force to execute the laws.

The report of the Attorney General will satisfy you of the utter groundlessness of the whole proceeding, which I regret to find, has already gone forth to the public in disparagement of the temper of our people and their disposition to do the amplest justice to the Freedman in all that relates to his person and his property.

I am, with great respect,

Your obedient servant,

THOMAS SWANN.

REPORT OF THE ATTORNEY GENERAL.

ANNAPOLIS, *August* 1*st*, 1866.

His Excellency THOMAS SWANN, *Governor of Maryland*:

DEAR SIR—I received this day from Mr. Leary the enclosed papers, which I have carefully read: after which I had an interview with Justice W. R Thompson and Owen M. Taylor, and with the Constable, Edward Baldwin.

The Justices both assure me of their disposition and determination to execute the Act of Congress entitled, "An Act to protect all persons in their civil rights," etc., in taking the oaths of negroes as competent testimony on their complaints against white men.

Justice Taylor denies that he did refuse to hear the case of negro Frederick Sharpe against James White, but on the contrary that Constable Baldwin brought James White before him under the warrant issued by Justice Thompson on the complaint of Sharpe, and he was ready and willing to try the cause, but was prevented doing so by the absence of Sharpe; that thereupon he took bail of White to appear and answer to this charge, and that the case is yet pending before him.

Constable Baldwin states that he did not refuse to serve these warrants issued by Justice Thompson against White and B. Watkins, but did receive them in order to serve them —that the one against White he did actually serve, arrested White and took him before Justice Taylor, as White desired, and as Baldwin understood he had a right to select before whatjustice he would be taken, when Frederick Sha rpe not appearing before the justice against White, the case was continued, and White discharged after giving bail to appear to answer for the charge. Baldwin further stated that after taking the writ against B. Watkins, he went in pursuit of him but did not find him, and had not since seen him—that he declined to take warrants against persons living out of town, from Justice Thompson, because after consulting counsel, he believed it was not his duty to serve such warrants; that he so stated to the justice, and that he would be compelled to resign his office rather than serve such warrants in the county, as the cost he would have to incur in serving them was twice as much as his fee for such service, and suggested that the justice should give them to the Sheriff.

These facts I have obtained from the parties themselves, and my own knowledge of our people generally, and of their sentiments on this subject especially, not only satisfy me that no such interference of the military of the United States, as is suggested in these papers is necessary to aid in the execution of this law, or to secure protection to the Freedmen or to aid

in the administration of justice ; but I believe that such interference might be injurious to our peace and harmony, decidedly adverse to the interests of the Freedmen, and reflect discreditably upon our law-abiding people.

No doubt cases have occurred and will occur here and elsewhere, in which the rights of the Freedmen and of all men will be disregarded by the lawless, but such exceptional cases can and will readily be disposed of by the officers of the State according to law, and require no such extraordinary powers to be exerted by the Government of the United States as are here suggested.

Permit me also to add, that though living here all this time, moving about daily among hundreds of my fellow-citizens, I never even so much as heard until to-day, through your communication, of these cases which, it is supposed, have excited so much discussion and feeling.

I conclude by expressing the opinion that there exists no necessity whatever for any interposition on the part of the Government of the United States in these cases ; nor for the interposition of your Excellency—that they will be disposed of, I believe, in the quiet, due execution of the law, justly, efficiently and with proper regard for the rights of all.

With great respect, I am

Your obedient servant,

A. RANDALL,

Att'y Gen'l of Md.

STATE'S ATTORNEY'S OFFICE, ANNE ARUNDEL COUNTY,

Annapolis, Md., December 21, 1866.

To His Excellency, THOMAS SWANN,

Governor of Maryland, Annapolis:

SIR :—In reply to your communication of yesterday's date, requesting me to state the facts relative to certain negroes sentenced to be sold for crime in this County, I have the honor to submit the following :

The first sentence of this character since the passage of the law by Congress, commonly called the "Civil Rights Bill," was by the Hon. Wm. H. Tuck, in which case the prisoner's Counsel argued that the provisions of the Act of Assembly of

Maryland of 1862, ch. 106, did not conflict with the Civil Rights Bill, and asked the Court, as an act of mercy to the prisoner, to order his sale instead of confinement in the Penitentiary.

The Hon. D. R. Magruder, (Judge Tuck's successor,) imposed upon several negroes convicted of felonies during the late term of our Court, similar sentences, varying from six months upwards. The considerations, in most of these cases, pressed upon the Judge, came from the prisoner's Counsel, who earnestly requested the Judge, as an act of humanity, to order a sale, instead of confinement in the Penitentiary. The reasons assigned by his Honor upon several of these occasions were; 1st. The previous good character of the prisoner, this being his first offence. 2d. The request of the prisoner or his Counsel. 3d. The overcrowded condition of the Penitentiary; and perhaps other reasons which do not now occur to me.

These sentences were imposed by Judge Magruder, I believe, and every one who knows the Judge will agree with me, from motives of *pure and disinterested philanthropy*, warranted by a manly, fearless and conscientious discharge of his judicial obligations, and in no spirit of factious opposition to any law of Congress.

I have the honor to be,

Respectfully, your obedient servant,

JAS. REVELL.

State's Attorney for Anne Arundel county

STATE'S ATTORNEY'S OFFICE, ANNAPOLIS, MD.

December 22, 1866.

His Excellency, THOMAS SWANN,

Governor of Maryland, Annapolis:

SIR:—In compliance with your request, I herewith send a copy of the report made by the Grand Jury of this county concerning the late Camp Meeting riot, &c., accompanying the same with the remark that every facility was offered both by the Attorney General and myself to give the matter the fullest and most searching investigation—that the Grand Jury (as also the Justices of the Peace before the Grand Jury

met) examined many witnesses, requiring both time and patience; and that the result of their deliberations was the report, a copy of which is herewith sent.

I have the honor to be,

Respectfully, your obedient servant,

JAS. REVELL,

State's Attorney for Anne Arundel county.

To His Honor D. R. MAGRUDER,

Judge of Circuit Court:

The Grand Jury having completed their labors, beg leave to make the following report:

In compliance with law, they visited the jail, and take great pleasure in reporting it cleanly and in good condition. The Warden, Mr. Basil, seems to have done all that was necessary for the safety and comfort of the prisoners. We would call the attention of the County Commissioners to the condition of the Court house, its wants of repair, fencing, &c. &c. We would suggest the necessity of their early attention to this matter. A large portion of the time of the Grand Jury was consumed in investigating and examining witnesses in the Camp Meeting Riot. Some forty odd witnesses (whites and negroes) were examined. No witness identified any one party as actually engaged in the riot; no one has been able to identify parties commencing the affray, whether whites or blacks. The Jury are of the opinion, therefore, that this affray was instigated and enacted by parties non-residents and strangers, names to the Jurors unknown. The Jury are of the opinion that there was no premeditation to create a riot; it resulted from a thoughtless interference with the negroes (by parties to the Jury unknown.)

We further believe, from the testimony of several witnesses that the destruction of the property of the negroes, by parties to us unknown, was the consequence of the enraged state of feeling created by the fact of the blacks using weapons against the whites, and not from any premeditated design to injure the negroes.

We regret the occasion of this riot should have been the means of a base and unworthy reflection upon a large number of the people of our County, as appeared in the report of E.

M. Gregory in the Baltimore American of October 19th, 1866.

WM. GLOVER, *Foreman.*

December 3d, 1866.

True copy from Report:

GEO. E. GAMBRILL, *Clerk.*